

EIGHTH DAY - JANUARY 14, 2005

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 14, 2005

PRAAYER

The prayer was offered by Senator Dw. Pedersen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Aguilar who was excused; and Senators Beutler, Preister, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 305	Health and Human Services (rereferred)
LB 379	Government, Military and Veterans Affairs
LB 380	Education
LB 381	Health and Human Services
LB 382	Health and Human Services
LB 383	Revenue
LB 384	Urban Affairs
LB 385	Judiciary
LB 386	Revenue
LB 387	Health and Human Services
LB 388	General Affairs
LB 389	Banking, Commerce and Insurance
LB 390	Natural Resources
LB 391	Education
LB 392	Appropriations

LB 393	Judiciary
LB 394	Business and Labor
LB 395	Business and Labor
LB 396	Judiciary
LB 397	Natural Resources
LB 398	Appropriations
LB 399	Revenue
LB 400	Transportation and Telecommunications
LB 401	Government, Military and Veterans Affairs
LB 402	Judiciary
LB 403	Judiciary
LB 404	Revenue
LB 405	General Affairs
LB 406	Urban Affairs
LB 407	Revenue
LB 408	Government, Military and Veterans Affairs
LB 409	Judiciary
LB 410	Judiciary
LB 411	Nebraska Retirement Systems
LB 412	Nebraska Retirement Systems
LB 413	Revenue
LB 414	Urban Affairs
LB 415	Business and Labor
LB 416	Health and Human Services
LB 417	Revenue
LB 418	Education

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

RESOLUTIONS

LEGISLATIVE RESOLUTION 19. Introduced by Stuthman, 22.

WHEREAS, the Lindsay Holy Family High School Eight Man-2 football team won the state championship with a thirty-six to eighteen victory over Mullen; and

WHEREAS, Holy Family has been in the title game four times in the past five years; and

WHEREAS, Holy Family finished the 2004 season undefeated and claimed its second state title since 2000; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Lindsay Holy Family High School Eight Man-2 football team be congratulated for its success.

2. That a copy of this resolution be sent to the Lindsay Holy Family High School Eight Man-2 football team and Coach Rusty Rautenberg.

Laid over.

LEGISLATIVE RESOLUTION 20. Introduced by Stuthman, 22.

WHEREAS, the Howells High School football team won the Class D-1 state championship with a forty-three to six victory over Overton; and

WHEREAS, this was Howells' fifth Class D-1 state championship; and

WHEREAS, Howells extended its winning streak to fifty games with this win; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Howells High School football team be congratulated for its success.

2. That a copy of this resolution be sent to the Howells High School football team and Coach Mike Speirs.

Laid over.

LEGISLATIVE RESOLUTION 21. Introduced by Stuthman, 22.

WHEREAS, the Humphrey St. Francis Flyers volleyball team won the Class D-1 state volleyball tournament with a 25-19, 22-25, 25-19, 25-17 victory over Fremont Bergan; and

WHEREAS, this was Humphrey St. Francis' second state title in five years; and

WHEREAS, this victory allowed Humphrey St. Francis to finish the season with a 21-3 record and a 15-match winning streak; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Humphrey St. Francis Flyers volleyball team be congratulated for its success.

2. That a copy of this resolution be sent to the Humphrey St. Francis Flyers volleyball team and Coach Dean Korus.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 13, 2005, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

American Communications Group, Inc.
Nebraska Book Company

Belschner, Shanna
Children and Family Coalition of Nebraska

Bruning, Deonne L.
Northern Natural Gas

Crawford, Kristin
American Council of Engineering Companies/Nebraska

Johnson, Larry A.
Trucking Association, Nebraska

Johnson, Mary A.
Ruth Mueller Robak LLC

King, Terry L.
Better Nebraska Association

Krannawitter, Brian
American Heart Association

Lamb, Amy
Occupational Therapy Association, Nebraska

Lightner, James
Public Employees, AFSCME Local 61, Nebraska Association of

Lowrey, Lon
Novartis Pharmaceuticals Corporation

McClure, John
Nebraska Public Power District

Radcliffe, Walter H. of Radcliffe & Associates
Equitable Unemployment Compensation Committee

Ruth Mueller Robak LLC
Consumer Healthcare Products Association

Sands, Shellyn
Nebraska Association of Convention and Visitors Bureaus

Watson, Robert W.
Fathers Rights Advocacy
Gilroy Law Offices

Young, Lora
Nebraska Travel Association

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance
Room 1507

LB 60	Monday, January 24, 2005	1:30 p.m.
LB 73	Monday, January 24, 2005	1:30 p.m.
LB 84	Monday, January 24, 2005	1:30 p.m.
LB 310	Monday, January 24, 2005	1:30 p.m.
LB 375	Monday, January 24, 2005	1:30 p.m.

(Signed) Mick Mines, Chairperson

Transportation and Telecommunications
Room 1113

LB 274	Monday, January 24, 2005	1:30 p.m.
LB 275	Monday, January 24, 2005	1:30 p.m.
LB 276	Monday, January 24, 2005	1:30 p.m.
LB 277	Monday, January 24, 2005	1:30 p.m.
LB 249	Monday, January 24, 2005	1:30 p.m.
LB 76	Monday, January 24, 2005	1:30 p.m.
LB 251	Tuesday, January 25, 2005	1:30 p.m.
LB 284	Tuesday, January 25, 2005	1:30 p.m.
LB 69	Tuesday, January 25, 2005	1:30 p.m.
LB 70	Tuesday, January 25, 2005	1:30 p.m.

(Signed) Tom Baker, Chairperson

COMMUNICATIONS

Received petitions from the Douglas County Board of Commissioners adopted on January 11, 2005.

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

Attestation report of the Nebraska Legislative Council

Health and Human Services System

Annual Report for the Year 2004 - Number of Licenses Suspended Under the License Suspension Act

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 481. Introduced by Aguilar, 35; McDonald, 41; Pahls, 31; Stuhr, 24; Thompson, 14.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-401.01, 28-405, and 28-452, Revised Statutes Supplement, 2004; to change provisions and offenses involving ephedrine, pseudoephedrine, and phenylpropanolamine; to provide requirements for retailers as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 482. Introduced by Mines, 18; at the request of the Governor.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Incentive Act; to amend section 77-27,188, Reissue Revised Statutes of Nebraska; to change tax credit provisions; and to repeal the original section.

LEGISLATIVE BILL 483. Introduced by Pahls, 31; Combs, 32; Cornett, 45; Wehrbein, 2.

A BILL FOR AN ACT relating to law enforcement; to amend sections 33-117, 69-2404, and 83-424, Reissue Revised Statutes of Nebraska; to change sheriff's fees and handgun certificate fees; and to repeal the original sections.

LEGISLATIVE BILL 484. Introduced by Business and Labor Committee: Cunningham, 40, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-601, 48-602, 48-619, 48-627, 48-628, 48-648, 48-648.01, 48-649, 48-654, and 48-664, Reissue Revised Statutes of Nebraska; to change and provide provisions relating to tax avoidance, wage determination, fund withdrawals, benefit eligibility, and tax liability and rate; to provide for electronic payments, reports, and reimbursements by employers as prescribed; to provide penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 485. Introduced by Business and Labor Committee: Cunningham, 40, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to tort claims; to amend sections 81-8,211, 81-8,224, 81-8,225, and 81-8,239.02, Reissue Revised Statutes of Nebraska; to change state tort claim approval requirements and payment provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 486. Introduced by Business and Labor Committee: Cunningham, 40, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to employment security law; to amend section 48-649, Reissue Revised Statutes of Nebraska; to change provisions relating to the combined tax rate; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 487. Introduced by Business and Labor Committee: Cunningham, 40, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to employment security law; to amend section 48-601, Reissue Revised Statutes of Nebraska; to provide for a solvency surcharge as prescribed; and to repeal the original section.

LEGISLATIVE BILL 488. Introduced by Business and Labor Committee: Cunningham, 40, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to employment security law; to amend sections 48-601, 48-602, 48-624, and 48-669, Reissue Revised Statutes of Nebraska; to redefine terms; to change weekly benefit and combined tax provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 489. Introduced by Business and Labor Committee: Cunningham, 40, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to elevator safety; to amend section 48-418.09, Reissue Revised Statutes of Nebraska; to change provisions relating to elevator inspections; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 490. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to public records; to amend section 84-712.01, Revised Statutes Supplement, 2004; to regulate access to certain geographic computer data bases; and to repeal the original section.

LEGISLATIVE BILL 491. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to liens; to amend sections 52-1001, 52-1003, 52-1004, 77-3902, 77-3903, and 77-3904, Reissue Revised Statutes of Nebraska, and section 9-530, Uniform Commercial Code; to provide for the filing of state and federal tax liens on real property with the Secretary of State; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 492. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to amend sections 25-1093 and 88-547, Reissue Revised Statutes of Nebraska, and sections 88-525 and 88-527, Revised Statutes Supplement, 2004; to change and provide provisions of the Grain Warehouse Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 493. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to retirement; to amend section 79-907, Revised Statutes Supplement, 2004; to change provisions relating to statements for school employees; and to repeal the original section.

LEGISLATIVE BILL 494. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2309.01, 23-2310.05, 84-1310.01, and 84-1311.03, Revised Statutes Supplement, 2004; to provide additional retirement account investment options; to change provisions relating to defined contribution benefits; to eliminate obsolete language; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 495. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to retirement; to amend section 79-947.01, Revised Statutes Supplement, 2004; to provide a medical cost-of-living adjustment to school employee retirement benefits; and to repeal the original section.

LEGISLATIVE BILL 496. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to public funds; to amend section 77-2365.01, Revised Statutes Supplement, 2004; to change provisions relating to deposits with certain credit unions; and to repeal the original section.

LEGISLATIVE BILL 497. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Nebraska Scholarship for Academic Achievement Program Act; and to provide an operative date.

LEGISLATIVE BILL 498. Introduced by Landis, 46.

A BILL FOR AN ACT relating to economic development; to reenact the Nebraska Venture Capital Forum Act; and to outright repeal sections 81-12,106 to 81-12,116, Revised Statutes Supplement, 2004.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR 15 was referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Education
Room 1525

LB 197	Monday, January 24, 2005	1:30 p.m.
LB 198	Monday, January 24, 2005	1:30 p.m.
LB 199	Monday, January 24, 2005	1:30 p.m.
LB 418	Monday, January 24, 2005	1:30 p.m.

(Signed) Ron Raikes, Chairperson

Natural Resources
Room 1525

LB 31	Wednesday, January 26, 2005	1:30 p.m.
LB 32	Wednesday, January 26, 2005	1:30 p.m.
LB 137	Wednesday, January 26, 2005	1:30 p.m.
LB 359	Wednesday, January 26, 2005	1:30 p.m.
LB 140	Wednesday, January 26, 2005	1:30 p.m.
LB 8	Thursday, January 27, 2005	1:30 p.m.
LB 336	Thursday, January 27, 2005	1:30 p.m.
LB 340	Thursday, January 27, 2005	1:30 p.m.

(Signed) Ed Schrock, Chairperson

Business and Labor

Room 2102

LB 236	Monday, January 24, 2005	1:30 p.m.
LB 238	Monday, January 24, 2005	1:30 p.m.
LB 12	Monday, January 24, 2005	1:30 p.m.
LB 13	Monday, January 24, 2005	1:30 p.m.
LB 10	Monday, January 24, 2005	1:30 p.m.
LB 122	Monday, January 24, 2005	1:30 p.m.
LB 99	Monday, January 24, 2005	1:30 p.m.

(Signed) Douglas Cunningham, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 499. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2101.01, Reissue Revised Statutes of Nebraska; to change calculations and eliminate provisions related to estate tax; to repeal the original section; to outright repeal section 77-2103, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 500. Introduced by Landis, 46.

A BILL FOR AN ACT relating to economic development; to amend section 77-2703.01, Revised Statutes Supplement, 2004; to adopt the Entertainment and Tourism Development Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 501. Introduced by Combs, 32.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1413, Reissue Revised Statutes of Nebraska; to change provisions relating to the writing of minutes; and to repeal the original section.

LEGISLATIVE BILL 502. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007.01, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 79-1007.02, Revised Statutes Supplement, 2004; to change provisions relating to average formula cost per student; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 503. Introduced by Nebraska Retirement Systems

Committee: Stuhr, 24, Chairperson; Bourne, 8; Erdman, 47; Price, 26;.

A BILL FOR AN ACT relating to state officials; to amend sections 72-1238, 72-1239, 72-1243, 79-906, and 84-1309.01, Reissue Revised Statutes of Nebraska, and sections 23-2312, 24-704, 81-2021, 84-1305.01, 84-1502, 84-1503, 84-1503.03, and 84-1512, Revised Statutes Supplement, 2004; to change provisions relating to membership, per diems, and powers and duties of the Nebraska Investment Council; to change provisions relating to the Public Employees Retirement Board and director of the retirement systems; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 504. Introduced by Smith, 48; Erdman, 47; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to jails; to amend section 47-123, Reissue Revised Statutes of Nebraska; to change provisions relating to good-time credit; and to repeal the original section.

LEGISLATIVE BILL 505. Introduced by Erdman, 47; Baker, 44; Brown, 6; Burling, 33; Byars, 30; Combs, 32; Cunningham, 40; Flood, 19; Foley, 29; Friend, 10; Janssen, 15; Jensen, 20; Loudon, 49; Dw. Pedersen, 39; Redfield, 12; Smith, 48; Synowiecki, 7.

A BILL FOR AN ACT relating to age of majority; to amend sections 9-255.09, 9-334, 9-633, 20-403, 21-1724, 21-1781, 28-319, 29-401, 29-2270, 30-2412, 32-602, 42-371.01, 43-104.09, 43-117.01, 43-245, 43-247, 43-284.02, 43-289, 43-290, 43-294, 43-412, 43-504, 43-2101, 43-2903, 43-3703, 44-5238, 48-122.01, 48-124, 49-801, 68-1723, 68-1724, 71-1,281, 71-1,348, 71-20,120, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 79-267, 79-296, 81-885.13, 81-1916, 81-1917, 81-1936, and 81-2036, Reissue Revised Statutes of Nebraska, and sections 9-255.06, 23-1824, 25-1601, 25-1628, 25-21,271, 28-318, 28-320.01, 28-457, 30-2209, 30-3402, 30-3502, 64-101, 71-6039.01, and 81-2026, Revised Statutes Supplement, 2004; to change the age of majority from nineteen to eighteen years of age as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 506. Introduced by Erdman, 47; Baker, 44; Burling, 33; Byars, 30; Combs, 32; Connealy, 16; Cudaback, 36; Cunningham, 40; Engel, 17; Fischer, 43; Flood, 19; Friend, 10; Hudkins, 21; Jensen, 20; Kremer, 34; Langemeier, 23; Loudon, 49; Mines, 18; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Stuthman, 22; at the request of the Governor.

A BILL FOR AN ACT relating to the death penalty; to amend sections 29-2532, 29-2533, 29-2542, 29-2543, and 29-2544, Reissue Revised Statutes of Nebraska, and section 29-2524, Revised Statutes Supplement, 2004; to change the mode of inflicting the death penalty; to harmonize provisions; to provide severability; to repeal the original sections; and to

declare an emergency.

LEGISLATIVE BILL 507. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to presentence investigations; to amend section 29-2261, Revised Statutes Supplement, 2004; to change and eliminate provisions relating to inspection and examination; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 508. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water wells; to amend sections 46-1404 and 46-1405, Reissue Revised Statutes of Nebraska; to change provisions relating to costs of decommissioning illegal water wells; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 509. Introduced by Smith, 48; Schimek, 27.

A BILL FOR AN ACT relating to counties; to amend section 23-2537, Reissue Revised Statutes of Nebraska; to change personnel policy board membership provisions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 510. Introduced by Combs, 32; Burling, 33; Cunningham, 40; Kremer, 34; Redfield, 12.

A BILL FOR AN ACT relating to employment; to provide immunity in actions relating to job references; and to define terms.

LEGISLATIVE BILL 511. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to infants and juveniles; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to child care reimbursement; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 512. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to elections; to amend section 32-1524, Reissue Revised Statutes of Nebraska; to change provisions relating to activities prohibited near polling places; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 513. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to property tax levies; to amend section 79-1081, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Supplement, 2004; to change provisions relating to school building levies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 514. Introduced by Dw. Pedersen, 39; Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.11, Reissue Revised Statutes of Nebraska; to exempt certain delivery charges from sales and use taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 515. Introduced by D. Pederson, 42; Cunningham, 40; Engel, 17; Heidemann, 1; Kruse, 13; Loudon, 49; Smith, 48.

A BILL FOR AN ACT relating to state colleges; to amend section 85-316, Reissue Revised Statutes of Nebraska; to change provisions relating to funds; and to repeal the original section.

LEGISLATIVE BILL 516. Introduced by Baker, 44.

A BILL FOR AN ACT relating to telecommunications service; to amend section 86-420, Revised Statutes Supplement, 2004; to provide powers and immunity from liability for the Public Service Commission; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 517. Introduced by Baker, 44.

A BILL FOR AN ACT relating to livestock; to amend sections 54-179, 54-186, 54-191, 54-1,108, 54-1,110 to 54-115, 54-1,117 to 54-1,120, 54-1,122.01, 54-415, and 54-1183, Reissue Revised Statutes of Nebraska; to eliminate brand inspection areas; to make the Livestock Brand Act applicable statewide; to provide an operative date; to repeal the original sections; and to outright repeal sections 54-175 and 54-1,109, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 518. Introduced by Dw. Pedersen, 39; Connealy, 16; Janssen, 15; Kopplin, 3; Langemeier, 23; Pahls, 31.

A BILL FOR AN ACT relating to municipalities; to provide for consolidation of cities of the first class with cities of the second class or villages; and to provide duties to city councils or village boards.

LEGISLATIVE BILL 519. Introduced by Brown, 6.

A BILL FOR AN ACT relating to political subdivisions; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska; to change and provide procedures for potential conflicts of interest for certain officials; and to repeal the original section.

LEGISLATIVE BILL 520. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections

77-4105 and 77-4106, Reissue Revised Statutes of Nebraska; to change provisions relating to the Employment and Investment Growth Act; and to repeal the original sections.

LEGISLATIVE BILL 521. Introduced by Byars, 30; Combs, 32; Engel, 17; Schimek, 27.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1201, Reissue Revised Statutes of Nebraska, and section 83-1202.01, Revised Statutes Supplement, 2004; to state intent; to provide powers and duties; to provide requirements for state funding as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 522. Introduced by Byars, 30; Cunningham, 40; Stuthman, 22.

A BILL FOR AN ACT relating to the practice of barbering; to amend section 71-208.02, Reissue Revised Statutes of Nebraska; to change requirements for barber instructors and assistant barber instructors; to eliminate a requirement for new barber schools; to harmonize provisions; to repeal the original section; and to outright repeal section 71-207.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 523. Introduced by Byars, 30; Combs, 32.

A BILL FOR AN ACT relating to natural disasters; to amend section 81-8,297, Reissue Revised Statutes of Nebraska; to authorize claims against the state for certain property tax; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 524. Introduced by Cunningham, 40; Burling, 33; Combs, 32.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-120, Reissue Revised Statutes of Nebraska; to change provisions relating to selection of a physician; and to repeal the original section.

LEGISLATIVE BILL 525. Introduced by Engel, 17.

A BILL FOR AN ACT relating to public records; to amend section 84-1205.03, Reissue Revised Statutes of Nebraska; to change provisions relating to electronic access to public records; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 526. Introduced by Connealy, 16; Cunningham, 40; Synowiecki, 7.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1344,

66-1344.01, 66-1345, 66-1345.01, and 66-1519, Revised Statutes Supplement, 2004; to provide an ethanol production tax incentive; to change an excise tax rate; to transfer funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 527. Introduced by Connealy, 16; Cornett, 45; Howard, 9; Kruse, 13; Pahls, 31; Dw. Pedersen, 39; Synowiecki, 7.

A BILL FOR AN ACT relating to postsecondary education; to adopt the In the Line of Duty Dependent Education Act; and to provide severability.

LEGISLATIVE BILL 528. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-318 and 17-606, Reissue Revised Statutes of Nebraska; to change provisions relating to city and village treasurers; and to repeal the original sections.

LEGISLATIVE BILL 529. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 7-111, 22-417, 23-2504, 24-345, 24-507, 24-508, 24-509, 24-519, 24-520, 24-1002, 29-103, 29-403, 29-812, 29-3901, 30-2218, 33-106, 33-106.02, 33-123 to 33-125, 42-108, 43-2,123, 43-512.05, 49-502, 49-801, 72-240.14, 76-706, 76-723, and 77-2019, Reissue Revised Statutes of Nebraska, and sections 11-119, 11-125, 11-126, 23-120, 23-121, 23-1114.03 to 23-1114.06, 23-2518, 24-228, 24-513, 29-3921, 30-2402, and 33-156, Revised Statutes Supplement, 2004; to provide for judicial reform; to transition the office of clerk of the district court from an elected county-reimbursed position to an appointed state-reimbursed position; to create the position of clerk of the courts; to change provisions relating to district courts, county courts, juvenile courts, and clerk magistrates; to increase fees and change distribution; to state intent; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 32-524, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 530. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Erdman, 47; Friend, 10; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-132, 53-164.01, and 53-165, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to retail license considerations and reports; to harmonize provisions; to repeal the original sections; and to outright repeal section 53-167.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 531. Introduced by Fischer, 43; Burling, 33; Cunningham, 40; Erdman, 47; Kremer, 34; Schrock, 38; Stuthman, 22.

A BILL FOR AN ACT relating to agriculture; to authorize a livestock premises and animal identification system as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 532. Introduced by Burling, 33; Cunningham, 40; Heidemann, 1; Kremer, 34; Stuthman, 22.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-106 and 48-145.01, Reissue Revised Statutes of Nebraska; to change provisions relating to coverage of the act; to change a notice requirement for exempt employers; to provide and change provisions relating to penalties; and to repeal the original sections.

LEGISLATIVE BILL 533. Introduced by Banking, Commerce and Insurance Committee: Mines, 18; Chairperson; Flood, 19; Johnson, 37; Langemeier, 23; Louden, 49; Pahls, 31; Redfield, 12.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-135, 8-318, 8-320, 8-385, 8-702, 45-346, 45-348, 45-350, 45-703 to 45-707, 45-711, 45-910, 45-1001, 45-1005, 45-1006, 45-1013, 45-1024, 45-1032, 45-1033, and 45-1055, Reissue Revised Statutes of Nebraska, and sections 8-113, 8-115.01, 8-116.01, 8-120, 8-124, 8-148, 8-157, 8-183.04, 8-1,140, 8-206, 8-213, 8-234, 8-305, 8-331, 8-355, 8-602, 8-701, 8-1006, 8-2401, 21-1725.01, 21-17,102, and 21-17,115, Revised Statutes Supplement, 2004; to change provisions relating to banking, trust companies, and building and loan associations; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change and provide fees; to restrict third-party use of financial institution trademarks and tradenames for marketing purposes as prescribed; to change provisions relating to deposit insurance, accounts of minors, state-federal cooperation, sales of checks, credit card banks, credit unions, installment sales, mortgage bankers, delayed deposit services, and installment loans; to provide for administrative fines; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal section 8-385, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 534. Introduced by Synowiecki, 7; Combs, 32; Johnson, 37; Price, 26.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 71-906, Revised Statutes Supplement, 2004; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 535. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-310, Reissue Revised Statutes of Nebraska, and section 28-323, Revised Statutes Supplement, 2004; to change provisions relating to assault in the

third degree and domestic assault in the third degree; and to repeal the original sections.

LEGISLATIVE BILL 536. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to criminal procedure; to amend section 53-101, Reissue Revised Statutes of Nebraska; to provide for detaining a minor attempting to purchase alcoholic liquor; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 537. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to correctional services; to amend section 83-181, Reissue Revised Statutes of Nebraska; to define a term; to provide for copayments for health care services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 538. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal justice; to amend sections 28-439 to 28-441, 28-445, 28-929, 28-930, 28-1439.02 to 28-1439.05, 37-1299, 37-12,102, 47-621 to 47-627, 47-630, 47-632, 60-1901, 60-1903.01, 71-1,148, 81-2004.05, and 83-4,142, Reissue Revised Statutes of Nebraska, and sections 28-431, 28-442, 28-931, 29-2246, 29-2252, 29-2257, 29-2258, 29-2262.06, 81-1423, 81-1425, 83-1,102, and 83-4,143, Revised Statutes Supplement, 2004; to change penalties for assaulting an officer; to change provisions relating to forfeiture and seizure of property and money involving drug offenses, probation, intensive supervision probation, community corrections, parole, and incarceration work camps; to require fees as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 539. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice.

LEGISLATIVE BILL 540. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the courts; to amend section 24-201.01, Revised Statutes Supplement, 2004; to change judges' salary provisions; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 541. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to county court judgeships; to amend section 24-503, Revised Statutes Supplement, 2004; to change the number of judges in specified districts; to provide an operative date; to repeal the

original section; and to declare an emergency.

LEGISLATIVE BILL 542. Introduced by Burling, 33; Baker, 44; Bourne, 8; Combs, 32; Erdman, 47; Janssen, 15; Kremer, 34; Louden, 49; Price, 26; Schrock, 38; Stuhr, 24; Stuthman, 22; Synowiecki, 7.

A BILL FOR AN ACT relating to revenue and taxation; to create the Tax Policy Reform Commission; to provide powers and duties; and to declare an emergency.

LEGISLATIVE BILL 543. Introduced by Wehrbein, 2; Bourne, 8; Brown, 6; Burling, 33; Erdman, 47; Johnson, 37; Kremer, 34; Schrock, 38; Stuhr, 24; Stuthman, 22; at the request of the Governor.

A BILL FOR AN ACT relating to economic development; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to adopt the Certified Local Investment Fund Act; to provide an investment tax credit; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 544. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to public officials; to eliminate a requirement that public officials not accept plans which are not in accordance with the Geologists Regulation Act; and to outright repeal section 81-3538, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 545. Introduced by Mines, 18.

A BILL FOR AN ACT relating to insurance; to amend section 48-118, Reissue Revised Statutes of Nebraska; to change subrogation rights for health insurance and workers' compensation insurance; and to repeal the original section.

LEGISLATIVE BILL 546. Introduced by Brown, 6; Bourne, 8; Burling, 33; Byars, 30; Cornett, 45; Foley, 29; Friend, 10; Hudkins, 21; Jensen, 20; Johnson, 37; Kopplin, 3; Kremer, 34; Mines, 18; Pahls, 31; Dw. Pedersen, 39; D. Pederson, 42; Price, 26; Schimek, 27; Smith, 48; Stuhr, 24; Thompson, 14; Wehrbein, 2.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Opportunity Zone Act; to create the Nebraska Innovation Zone Commission; and to provide powers and duties.

RESOLUTION

LEGISLATIVE RESOLUTION 22CA. Introduced by Brashear, 4.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 5:

VII-5 (1) Except as provided in subsections (2) and (3) of this section, all fines, penalties, and license money arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways shall be placed as follows: ~~Seventy-five per cent~~Seventy-five percent in a fund for state highways and ~~twenty-five per cent~~twenty-five percent to the county general fund where the fine or penalty is paid.

(2) ~~Fifty per cent~~Seventy-five percent of all money forfeited or seized pursuant to enforcement of the drug laws shall belong and be paid over to the counties for drug enforcement purposes as the Legislature may provide.

(3) Law enforcement agencies may use conveyances forfeited pursuant to enforcement of the drug laws as the Legislature may provide. Upon the sale of such conveyances, the proceeds shall be appropriated exclusively to the use and support of the common schools as provided in subsection (1) of this section.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the distribution of money forfeited and seized pursuant to enforcement of drug laws.

For

Against.

Referred to the Reference Committee.

ANNOUNCEMENT

The Building Maintenance Committee elected Senator Thompson as Chairperson and Senator Connealy as Vice Chairperson.

MOTION - Print in Journal

Senator Chambers filed the following motion to LR 17CA:
Withdraw LR 17CA

NOTICE OF COMMITTEE HEARINGS**Revenue**
Room 1524

LB 28	Friday, January 21, 2005	1:30 p.m.
LB 159	Friday, January 21, 2005	1:30 p.m.
LB 334	Friday, January 21, 2005	1:30 p.m.
LB 404	Friday, January 21, 2005	1:30 p.m.
LB 383	Friday, January 21, 2005	1:30 p.m.

(Signed) David Landis, Chairperson

General Affairs
Room 1510

LB 262	Monday, January 24, 2005	1:30 p.m.
LB 287	Monday, January 24, 2005	1:30 p.m.
LB 355	Monday, January 24, 2005	1:30 p.m.
LB 211	Monday, January 24, 2005	1:30 p.m.

Monday, January 24, 2005	1:30 p.m.
Vicki P. Bromm - Nebraska Arts Council	
David Catalan - Nebraska Arts Council	
Murray H. Newman - Nebraska Arts Council	
Germelina Salumbides - Nebraska Arts Council	
Richard J. Vierk - Nebraska Arts Council	
Donna Woods - Nebraska Arts Council	

(Signed) Ray Janssen, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to have her name added as cointroducer to LBs 6 and 332. No objections. So ordered.

Senator Hudkins asked unanimous consent to have her name added as cointroducer to LB 28. No objections. So ordered.

Senator Raikes asked unanimous consent to have his name added as cointroducer to LB 47. No objections. So ordered.

Senator Cunningham asked unanimous consent to have his name added as cointroducer to LB 404. No objections. So ordered.

Senator Howard asked unanimous consent to have her name added as cointroducer to LBs 64 and 417. No objections. So ordered.

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 445. No objections. So ordered.

Senator Kopplin asked unanimous consent to have his name added as cointroducer to LB 500. No objections. So ordered.

Senator Bourne asked unanimous consent to have his name added as cointroducer to LB 417. No objections. So ordered.

VISITORS

Visitors to the Chamber were Elizabeth Pozzy from Omaha Central High School; and Brenda and Ryan Semin from Lincoln.

ADJOURNMENT

At 11:14 a.m., on a motion by Senator Erdman, the Legislature adjourned until 11:00 a.m., Tuesday, January 18, 2005.

Patrick J. O'Donnell
Clerk of the Legislature

